

Senate File 332 - Introduced

SENATE FILE 332
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1085)

A BILL FOR

1 An Act making changes to the controlled substance schedules,
2 and providing penalties, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

CONTROLLED SUBSTANCES

Section 1. Section 124.204, subsection 2, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *bd.* AH-7921 (3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl]benzamide.

Sec. 2. Section 124.204, subsection 9, Code 2017, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *p.* N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Furanyl fentanyl.

NEW PARAGRAPH. *q.* N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: Butyryl fentanyl.

NEW PARAGRAPH. *r.* N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: beta-hydroxythiofentanyl.

NEW PARAGRAPH. *s.* 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other names: U-47700.

Sec. 3. Section 124.206, subsection 2, paragraph a, unnumbered paragraph 1, Code 2017, is amended to read as follows:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

Sec. 4. Section 124.206, subsection 2, paragraph d, Code 2017, is amended to read as follows:

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves. ~~Decocainized coca leaves or~~

1 ~~extractions of coca leaves, which extractions do not contain~~
 2 ~~cocaine or ecgonine, are excluded from this paragraph. The~~
 3 ~~following substances and their salts, optical and geometric~~
 4 ~~isomers, derivatives, and salts of derivatives and optical~~
 5 ~~and geometric isomers including cocaine and ecgonine and~~
 6 ~~their salts, isomers, derivatives and salts of isomers and~~
 7 ~~derivatives, and any salt, compound, derivative, or preparation~~
 8 thereof that is chemically equivalent or identical to any of
 9 such substances, are included in this paragraph except that the
 10 substances shall not include:

11 (1) Cocaine Decocainized coca leaves or extractions of coca
 12 leaves, which extractions do not contain cocaine or ecgonine.

13 (2) Ecgonine [123]ioflupane.

14 Sec. 5. Section 124.206, subsection 3, Code 2017, is amended
 15 by adding the following new paragraph:

16 NEW PARAGRAPH. *ac.* Thiafentanil.

17 Sec. 6. Section 124.208, subsection 5, paragraph a,
 18 subparagraphs (3) and (4), Code 2017, are amended by striking
 19 the subparagraphs.

20 Sec. 7. Section 124.210, subsection 2, Code 2017, is amended
 21 by adding the following new paragraph:

22 NEW PARAGRAPH. *c.* 2-[(dimethylamino)methyl]-1-
 23 (3-methoxyphenyl)cyclohexanol, its salts, optical and geometric
 24 isomers and salts of these isomers (including tramadol).

25 Sec. 8. Section 124.210, subsection 3, Code 2017, is amended
 26 by adding the following new paragraphs:

27 NEW PARAGRAPH. *bb.* Alfaxalone.

28 NEW PARAGRAPH. *bc.* Suvorexant.

29 Sec. 9. Section 124.210, subsection 7, Code 2017, is amended
 30 by adding the following new paragraph:

31 NEW PARAGRAPH. *c.* Eluxadoline (5-[[[(2S)-2-amino-3-
 32 [4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-
 33 (4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-
 34 methoxybenzoic acid) (including its optical isomers) and its
 35 salts, isomers, and salts of isomers.

1 Sec. 10. Section 124.212, subsection 5, Code 2017, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* Brivaracetam ((2S)-2-[(4R)-2-oxo-4-
4 propylpyrrolidin-1-yl] butanamide), including its salts. Other
5 names: BRV, UCB-34714, Briviact.

6 DIVISION II

7 EFFECTIVE DATE

8 Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed
9 of immediate importance, takes effect upon enactment.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill makes changes to the controlled substance
14 schedules and modifies the regulation of precursor substances.

15 DIVISION I — CONTROLLED SUBSTANCES. The bill classifies
16 four synthetic opioids as schedule I controlled substances in
17 conformance with scheduling actions taken by the United States
18 department of justice, drug enforcement administration. The
19 bill also classifies as a schedule I controlled substance a
20 micro-opioid receptor agonist with analgesic activity similar
21 to morphine.

22 The bill classifies thiafentanil, an opioid and analogue of
23 fentanyl, as a schedule II controlled substance.

24 The bill removes hydrocodone-combination products from
25 the list of substances classified as schedule III controlled
26 substances. Currently, hydrocodone, as a single-entity
27 substance, is classified as a schedule II controlled
28 substance. The change under the bill effectively makes all
29 hydrocodone-containing products subject to the controls,
30 security, reporting, and penalty provisions for schedule II
31 controlled substances.

32 The bill removes naloxegol, a new molecular entity and
33 derivative of naloxone, from control as a schedule III
34 controlled substance. The federal food and drug administration
35 approved naloxegol for the treatment of opioid-induced

1 constipation in adults with chronic non-cancer pain.

2 The bill also removes [\123\I]ioflupane from control as
3 a schedule II controlled substance. This substance is a new
4 molecular entity and is the active pharmaceutical ingredient
5 in the drug DaTscan, approved by the federal food and drug
6 administration for use in diagnosis of patients suspected of
7 having Parkinson's disease.

8 The bill classifies the substance commonly known as
9 tramadol, a centrally acting opioid analgesic, as a schedule
10 IV controlled substance. This substance was previously
11 marketed and distributed as a noncontrolled prescription
12 drug. Effective August 18, 2014, the federal drug enforcement
13 administration classified tramadol as a schedule IV controlled
14 substance under federal law.

15 The bill classifies alfaxalone, a neurosteroid with central
16 nervous system depressant properties, as a schedule IV
17 controlled substance. The federal food and drug administration
18 approved this intravenous injectable anesthetic for use by or
19 on the order of a licensed veterinarian. Alfaxalone is not
20 available by prescription and is approved for use in veterinary
21 practice.

22 The bill classifies suvorexant, an insomnia treatment
23 approved by the federal food and drug administration,
24 as a schedule IV controlled substance. This is a novel,
25 first-in-class, chemical substance and information on actual
26 abuse data is not available. However, data from clinical
27 studies supports the classification in schedule IV.

28 The bill classifies eluxadoline, a new entity with central
29 nervous system opioid properties approved by the federal food
30 and drug administration for the treatment of irritable bowel
31 syndrome with diarrhea, as a schedule IV controlled substance.

32 The bill classifies brivaracetam, also known as briviact
33 or BRV, as a schedule V controlled substance. Briviact is a
34 new molecular entity with central nervous system depressant
35 properties and has been approved as an add-on treatment to

1 other medications to treat partial onset seizures in patients
2 age 16 years and older with epilepsy.

3 It is a class "C" felony pursuant to Code section
4 124.401(1)(c)(8) for any unauthorized person to violate a
5 provision of Code section 124.401 involving a classified
6 substance placed on schedule I, II, or III pursuant to the
7 bill. A class "C" felony for this particular offense is
8 punishable by confinement for no more than 10 years and a fine
9 of at least \$1,000 but not more than \$50,000.

10 It is an aggravated misdemeanor pursuant to Code section
11 124.401(1)(d) for any unauthorized person to violate a
12 provision of Code section 124.401 involving a classified
13 substance placed on schedule IV pursuant to the bill. An
14 aggravated misdemeanor is punishable by confinement for no more
15 than two years and a fine of at least \$625 but not more than
16 \$6,250.

17 If a person possesses a controlled substance in violation of
18 Code section 124.401(5) as a first offense, the person commits
19 a serious misdemeanor. A serious misdemeanor is punishable by
20 confinement for no more than one year and a fine of at least
21 \$315 but not more than \$1,875.

22 DIVISION II — EFFECTIVE DATE. The bill takes effect upon
23 enactment.